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SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

1981 session

SUMMARY RECORD OF THE 52nd MEETING

Held at Headquarters, New York,
on Monday, 2 March 1981, at 3 p.m.

Chairman: Mr. GONZALEZ GALVEZ (Mexico)

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The meeting was called to order at 3.35 p.m.

ORGANIZATION OF WORK

1. The CHAIRMAN said that, as requested by the Committee, a representative of the Legal Counsel would report orally on the question of the publication of the Repertory of Practice of United Nations Organs. The delay in publication was a problem which concerned the Committee, especially in connexion with the rationalization of procedures. His own country, Mexico, had frequently pointed out the different manner in which various United Nations bodies interpreted the Charter in applying it in specific cases and had stressed the resulting need to update the Repertory in all the official languages of the Organization, so that delegations would be informed regarding the application of the Charter in the past.

2. Mr. SZASZ (Office of Legal Affairs), reporting on the measures taken by the Secretariat to implement paragraph 10 of General Assembly resolution 35/164, with specific reference to the preparation and publication of supplements to the Repertory of Practice of United Nations Organs, said that the Office of Legal Affairs co-ordinated the preparation and publication of the Repertory under the direction of the Inter-Departmental Committee on Charter Repertory, constituted by the Secretary-General. Draft studies on individual Articles of the Charter for inclusion in the Repertory were, however, prepared by various units of the Secretariat in accordance with their operational responsibilities and submitted for review to the Office of Legal Affairs.

3. The publication of Supplement No. 4 to the Repertory, covering the period from 1 September 1966 to 31 December 1969, had been delayed owing to various factors, but work on it was now near completion. The co-ordination and editorial work on volume I, covering Articles 1 to 54 of the Charter, had been completed in April 1980 and it was expected to be published by the end of 1981. The co-ordination work on volume II, covering Articles 55 to 111, and the editorial work on 44 of a total of 59 draft studies to be included in that volume had been completed by December 1980. The editorial work on the remaining 15 draft studies was currently in progress and was expected to be completed by April. The publication of volume II was scheduled for 1982.

4. With a view to bringing the Repertory up to date as quickly as possible, the Inter-Departmental Committee on Charter Repertory had decided that Supplement No. 5 should cover a nine-year period, from 1 January 1970 to 31 December 1978, and had requested the Secretariat units concerned to prepare draft studies on the Articles allocated to them and submit them for review to the Office of Legal Affairs by 31 December 1980. A few units had indicated that they would be unable to meet that deadline. In the meantime, in order to facilitate the preparation of draft studies on Charter Articles by the Secretariat units concerned in accordance with the recommendation of the Committee for Programme and Co-ordination, the Office of Legal Affairs had issued in October 1979 a Manual for the Preparation of the Repertory of Practice of United Nations Organs and had also conducted, on 2 April 1980, an interdepartmental seminar on the preparation of Supplement No. 5

to the Repertory. However, by 31 December 1980, only 19 out of a total of 121 draft studies on Charter Articles to be included in Supplement No. 5 had been received for review in the Office of Legal Affairs. Consequently, the Inter-Departmental Committee would be meeting shortly in order to review the progress made by the Secretariat units concerned, which it was hoped would, as a result, expedite the preparation and submission of draft studies for review.

5. Although four volumes of Supplement No. 3 to the Repertory, covering the period from 1 September 1959 to 31 August 1966, had been published in English during 1971-1973, the French and Spanish versions of those volumes had not yet been published. The French and Spanish versions of volume I of that Supplement were now expected to be published during the current year; the other three volumes were still being translated and were expected to be published during 1982. The publication in French and Spanish of the table of contents and subject index to Supplements Nos. 1-3 to the Repertory, which had been published in English in 1979, would be undertaken subsequently.

6. The English versions of the basic five volumes of the Repertory and the table of contents and subject index thereto had been reprinted during July and August 1980. The reprinting of the French and Spanish versions of that material, as well as the English, French and Spanish versions of two volumes of Supplement No. 1, which were also out of stock, had been initiated, and it was hoped that those reprints would be available prior to the thirty-sixth session of the General Assembly.

7. Details and updated information on all those matters would be included in the Secretary-General's progress report to the General Assembly at its thirty-sixth session.

8. Mr. ELARABY (Egypt) said that his delegation and many others attached great importance to the publication of the Repertory, and expressed the hope that prompt action would be taken in order to bring it up to date.

9. Mr. ROSENSTOCK (United States of America) said that the Committee should be given sufficient time to consider the information provided by the representative of the Legal Counsel in order to be able to discuss it at a plenary meeting in the near future.

10. Mr. MUSEUX (France) said that his delegation attached great importance to the Repertory and would like to revert to the subject at a later date, with particular reference to the factors which had delayed its publication in languages other than English.

11. The CHAIRMAN said that the Working Group on the maintenance of international peace and security was continuing to examine the proposals made by various delegations. Although proposals were examined individually, delegations could refer to groups of proposals which concerned specific points under consideration. The Working Group on the peaceful settlement of disputes had finished the first

(The Chairman)

reading of the draft Manila Declaration, and he suggested that, in order to expedite matters, informal consultations should be held on the preamble and the final provisions. In that connexion, he requested the co-operation of delegations which did not use English, since the informal consultations would have to be conducted without the benefit of interpretation. However, decisions on those parts of the draft declaration would only be taken when all delegations had the advantage of simultaneous interpretation into the working languages. He would shortly be making some suggestions as to how the Committee might proceed on the question of rationalization of the procedures the of the General Assembly. Lastly, he urged members to be punctual in attending meetings in order to make maximum use of the time and facilities available.

12. Mr. CHEBELEU (Romania) said that he supported the views expressed by the Chairman regarding the organization of work. However, his delegation strongly objected to the manner in which the Secretariat had decided to deprive the Committee of two of its meetings scheduled for Thursday, 26 February. His delegation had already requested an explanation from the Secretariat as to why such an arbitrary decision had been taken without prior consultation with the Committee. The only information which had been furnished was that the cancellation of those two meetings had been caused by the large number of meetings scheduled for that day. His delegation would like the Secretariat officials responsible to appear at a plenary meeting of the Committee and explain the reasons which had led to that decision. In addition, it proposed that the Committee should hold two night meetings or extend the session of the Committee by one day until Monday, 16 March, in order to make up for the cancelled meetings.

13. Mr. BROMS (Finland) said that, so far as the peaceful settlement of disputes was concerned, no further proposals had been made with regard to the preamble and the final provisions of the draft Manila declaration. Some delegations had expressed the desire to discuss those sections in the Working Group, and he asked the Chairman whether that would be possible.

14. The CHAIRMAN said that any delegation wishing to comment on the preamble and the final provisions of the draft declaration would be able to do so at a meeting of the Working Group convened for that purpose.

15. Mr. CHATURVEDI (India) said that his delegation had certain difficulties with the final provisions of the draft declaration and would like to discuss those provisions further.

16. Mr. EL-BANHAWY (Egypt) said that his delegation fully supported the statement made by the representative of Romania and objected to the manner in which the two meetings had been cancelled. He also supported the proposal that two night meetings should be scheduled or that the session should be extended by one day to make up for the cancelled meetings.

17. The CHAIRMAN said that it would be better to hold two night meetings, since extending the session by one day would inconvenience many delegations.

18. Mr. MUSEUX (France) said that his delegation did not want to pass judgement on the decision to cancel the two meetings, in view of the heavy servicing schedule facing the Secretariat. Nevertheless, the delegations of Romania and India had requested information on why that decision had been taken, and so far the Secretariat had not provided it. He therefore insisted that the Committee should be fully informed of the reasons which had led to that decision. His delegation was in favour of scheduling two night meetings rather than extending the session, which would cause inconvenience to many delegations.

19. Mr. ROSENSTOCK (United States of America) said that he agreed with the representative of France on the impropriety of passing judgement on the decision taken by the Secretariat before all the facts were known. Furthermore, the cancellation of the meetings had not interrupted the work of his delegation, which had used that time productively. Lastly, he pointed out that according to the Journal it was the Group of 77 which had met on the morning of 26 February in the conference room normally used by the Committee.

20. Mrs. de PEREYRA (Venezuela) said that she was in favour of scheduling two night meetings rather than extending the session, which would cause considerable inconvenience to her delegation.

21. Mr. EL-BANHAWY (Egypt) said that his delegation was not prejudging the action taken by the Secretariat but was merely requesting an explanation of why the decision had been taken without prior consultation with the Committee. Once the facts were known, a judgement could be made.

22. Mr. OSAH (Nigeria) said that his delegation fully supported the views expressed by the representatives of Romania and Egypt, who were not prejudging the Secretariat but were merely seeking an explanation of the reasons for cancelling the two meetings. The Romanian delegation had already requested such information, and it was only fitting that the Secretariat should comply with that request. Lastly, whether it was the Group of 77 or some other group that had met in the conference room normally used by the Committee was irrelevant.

23. Mr. SHIRNOV (Union of Soviet Socialist Republics) supported the views of the Chairman concerning the organization of work and the need for informal consultations with respect to the peaceful settlement of disputes. His delegation considered such consultations to be useful, although it encountered some difficulties because of the lack of simultaneous interpretation. It was hard to see how the Chairman could make substantive recommendations on the rationalization of procedures without prior discussion of that topic in the Committee.

24. With respect to the cancellation of the two meetings, his delegation believed that the Secretariat had had sufficient reason not to provide services on that day. Nevertheless, he felt that the Secretariat should explain the reasons leading to that decision. At the present stage, he could not support any proposal or statement condemning the action of the Secretariat. Furthermore, his delegation had participated in consultations on the peaceful settlement of disputes and had used that time productively. He did not feel that it was necessary to take immediate steps to compensate for the two cancelled meetings, but would agree to the scheduling of night meetings if most delegations considered it necessary.

25. Mr. ROSENSTOCK (United States of America) said that his delegation had no objection to the Committee's spending time discussing the issue raised by the representative of Romania, just as it had had no objection to the Committee's adjourning early or scheduling later starting times in order to enable various groups to meet. His delegation's only objection was to the accusation, before the Committee had all the facts, that the decision taken by the Secretariat had been arbitrary. That accusation was not only uncalled for but improper.

26. Mr. ROMANOV (Secretary of the Committee), replying to the questions which had been asked concerning compensation for the time lost as a result of the cancellation of meetings on 26 February, said that he had received a memorandum from the Chief of the Planning and Meetings Servicing Station indicating that requests for night or weekend meetings should be made to the Director of the Interpretation and Meetings Division as early as possible, but no later than 24 hours before the desired date. That clearly implied that the Committee was authorized to hold night or weekend meetings. The extension of scheduled sessions was a matter for the Committee on Conferences to consider and decide. If the Special Committee so wished, he would relay a request for an extension to the appropriate Secretariat services so that the Committee on Conferences could take up the matter.

27. Immediately upon being informed of the cancellation of the Thursday meetings, he had telephoned the conference room where a meeting of the Working Group had been in progress to advise the Secretary of the Working Group of the cancellations, and he assumed that she had passed that information on to members. After the suspension of the Working Group's meeting on Friday morning, he had brought the matter to the attention of the Director of the Interpretation and Meetings Division. In a memorandum dated 27 February 1981, which he (Mr. Romanov) had brought to the attention of the Chairman of the Committee, the Director of the Division had expressed gratitude to the Special Committee for releasing conference-servicing resources originally earmarked for it and had indicated that an extraordinary situation had arisen on Wednesday, 25 February, when, with all available interpreters already assigned to meetings scheduled for the following day, two urgent requests had been received for additional meetings in connexion with the resumption of the thirty-fifth session of the General Assembly. The Director had stated that he trusted that the cancellation of the two meetings would not create any inordinate difficulty for the Special Committee in completing its work as scheduled and had observed that, as the utilization of conference-servicing resources by the Committee so far had been relatively low, a special effort to begin meetings promptly and make full use of the time available for meetings might ultimately compensate for the loss of the two meetings on Thursday. The Director had noted further that, on average, the Special Committee had not used 40 minutes per meeting owing to late starting and 18 minutes per meeting owing to early adjournment. Cumulatively, 14 hours and 5 minutes had been unused, representing a notional loss of approximately five full meetings. Such information was normally brought to the attention of committees at the end of their sessions, and he (Mr. Romanov) understood that the statistics provided in the Director's memorandum represented an interim report as at the date of the memorandum. It was his duty as Secretary to apprise the Committee of its record in utilizing conference-servicing resources only at the end of the session.

28. Mr. CHEBELEU (Romania) said that the information and explanations provided were still far from satisfactory. No one in the Secretariat had the right to decide which bodies should be given priority in the allocation of conference-servicing resources. Moreover, the official responsible for cancelling the meetings of the Working Group had not considered it necessary to consult first with the Special Committee or to inform it of the situation sufficiently in advance to enable it to make alternative arrangements for putting its time to best use. Such treatment was unacceptable.

29. Mr. BROMS (Finland) said it was, of course, regrettable that the Committee had lost two meetings. However, it had not lost all its time on Thursday, since the Chairman had organized informal consultations. Moreover, the time lost on Thursday was not of decisive importance when compared with the 14 hours and 5 minutes that had been lost for other reasons. He appealed to members not to lay the blame on the Secretariat or to waste even more time in discussing the matter.

30. The CHAIRMAN said that a number of delegations had requested the inclusion in the agenda of the question of observers, despite the fact that the regional groups had been unable to agree on how that matter should be dealt with. It would be recalled that at the preceding meeting he had suggested that observers should be authorized on a case-by-case basis to attend and make statements in plenary meetings and to attend meetings of the Working Group without the right to speak. However, it had proved impossible to reach agreement on that suggestion also, and the Committee had taken no formal decision on the matter.

31. Mr. EL-BANHAWY (Egypt) observed that two weeks of the session had already gone by and it was time for the Committee to take a formal decision on the question of observer status. The requests for observer status already received had been endorsed by the Non-Aligned Group and the African Group, and his delegation wished to know what the position of the other groups was.

32. Mr. ROSENSTOCK (United States of America) said that no objections had been raised to considering requests from non-members to make statements in plenary meetings. To his knowledge, however, no such request had been made. Accordingly, the question of observer status remained hypothetical. If a non-member wished to make a statement in the Committee, the previous debate suggested that no objections would be raised by any member.

33. Mr. DE PAIVA (Brazil) supported the requests for observer status that had been made and urged that they should be granted.

34. The CHAIRMAN said that requests for observer status had been received from the Libyan Arab Jamahiriya, Peru, Chile, Morocco, the Holy See and Swaziland. There had been no specific request to make a statement in the Special Committee; that did not reflect a lack of interest in doing so, but rather the fact that non-members were awaiting a decision by the Committee on the general question of observer status. In view of the failure of the regional groups to reach agreement, he suggested that the Committee should authorize him to consult with the representatives of those countries which had already made requests for observer status in order to clarify their aims and to propose a compromise solution at a subsequent meeting.

35. Mr. EL-EATHAWY (Egypt) said that the Committee could decide at a later stage on the extent to which observers could participate in its work. The general question of observer status should, however, be settled at the current meeting.

36. Mr. MUSEUX (France) said that the matter should be settled pragmatically, and he endorsed the Chairman's suggestion.

37. Mr. GÜNEY (Turkey) said that his delegation favoured the granting of observer status in accordance with established United Nations practice. It was not right to leave the matter unresolved any longer.

38. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to follow the course of action he had suggested.

39. It was so decided.

The meeting rose at 5 p.m.